

PATENT COOPERATION TREATY

REC'D 20 SEP 2005

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From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IB2005/000253

International filing date (day/month/year)
31.01.2005

Priority date (day/month/year)
30.01.2004

International Patent Classification (IPC) or both national classification and IPC
B65D51/16, B65D41/04

Applicant
SHOWERING, Francis

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Authorized Officer

Newell, P

Telephone No. +31 70 340-3297



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application,
- ☒ claims Nos. 21-34

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the whole application or for said claims Nos. 21-34
- ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
 - the written form ☐ has not been furnished
 - ☐ does not comply with the standard
 - the computer readable form ☐ has not been furnished
 - ☐ does not comply with the standard
- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.
- ☐ See separate sheet for further details

**WRITTEN OPINION OF THE
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Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:
- ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☒ not paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:
see separate sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☐ all parts.
 - ☒ the parts relating to claims Nos. 1-20,35,36

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, Inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	5,6,12,15-20
	No: Claims	1-4,7-10,11,13,14,35,36
Inventive step (IS)	Yes: Claims	6,12,15-20
	No: Claims	1-5,7-10,11,13,14,35,36
Industrial applicability (IA)	Yes: Claims	1-20,35,36
	No: Claims	

2. Citations and explanations

see separate sheet

Re item IV

Lack of unity of invention

The present application does not meet the requirements of Rule 13.1 PCT.

The closure of claims 1-20, 35 and 36 comprises the special technical feature of a vent means operable independently of the closure engagement means.

The closure of claims 21-29 comprises the special technical feature of hinged lugs.

The closure of claims 30-34 comprises the special technical feature of an axial stop to limit the application of a bracing band.

Since these three inventions do not share a technical relationship involving one or more of the same or corresponding special technical features then the requirement of unity of invention is not fulfilled.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: US-A-3446383

D2: US-A-2244316

D3: US-A-2582489

D4: US-A-4629083

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-4, 7-10, 11, 13,14, 35 and 36 is not new in the sense of Article 33(2) PCT.

3. The document D1 discloses a closure for a container for pressurised contents, the closure comprising engagement means for releasably securing the closure to a mouth of the container and vent means for allowing venting of internal pressure independently of the

engagement means.

Therefore, the subject-matter of claim 1 is anticipated by D1.

3.1. The document D2 discloses a closure for a container for pressurised contents, the closure comprising engagement means for releasably securing the closure to a mouth of the container and vent means for allowing venting of internal pressure independently of the engagement means.

Therefore, the subject-matter of claim 1 is anticipated by D2.

3.2. The document D3 discloses a closure for a container for pressurised contents, the closure comprising engagement means for releasably securing the closure to a mouth of the container and vent means for allowing venting of internal pressure independently of the engagement means.

Therefore, the subject-matter of claim 1 is anticipated by D3.

3.3. The subject-matter of claims 2-4 and 7-10 is anticipated by D1 and therefore these claims do not contain novel subject-matter.

3.4. The subject-matter of claims 7, 8, 10, 11 and 13 is anticipated by D2 and therefore these claims do not contain novel subject-matter.

3.5. The subject-matter of claim 14 is anticipated by D3 and therefore this claim does not contain novel subject-matter.

3.6. The subject-matter of claims 35 and 36 is anticipated by each of D1, D2 and D3 and therefore these claims do not contain novel subject-matter.

4. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 5 does not involve an inventive step in the sense of Article 33(3) PCT.

4.1. D4 discloses a screw cap for beverages containing carbon dioxide and comprising a sealing member configured to entirely cover the container mouth. Such sealing member would be an obvious option, for the skilled man, on the closure of D1. Hence, the subject-

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AUTHORITY (SEPARATE SHEET)**

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matter of claim 5 cannot support an inventive step.

5. The combination of the features of dependent claims 6, 12 and 15-20 is neither known from, nor rendered obvious by, the available prior art.